

## Article - Environment

[\[Previous\]](#)[\[Next\]](#)

§16–307.

(a) (1) Any person proposing to conduct on any wetland an activity not authorized by the regulations adopted under the provisions of § 16–302 of this subtitle shall apply for a permit with the Secretary, on the form the Secretary prescribes.

(2) The application shall include a detailed description of the proposed work and a map showing the areas of wetland directly affected, the location of the proposed work, and the names of the owners of record of adjacent land, and every claimant of water rights in or adjacent to the wetland known to the applicant.

(3) (i) Within 30 days after receipt of an application, the Secretary shall notify the applicant, in writing, of the extent of State wetlands involved in the proposed activity and indicate the method of compliance with the license requirements of § 16–202 of this title.

(ii) If the applicant claims that any part of the designated State wetlands is private wetlands by virtue of the existence of a valid grant, lease, or patent, or a grant confirmed by Article 5 of the Maryland Declaration of Rights, the Secretary shall investigate and determine the validity of the claim and notify the applicant of the Secretary's determination.

(iii) If, within 30 days after receipt of the Secretary's determination, the applicant files with the Secretary a written objection to the determination, the Secretary shall promptly institute an appropriate judicial proceeding to determine whether the land or part of the land covered by the application in dispute, is State or private wetland. The State shall bear the cost of the proceeding.

(4) The Secretary shall mail a copy of the application to the chief administrative officer in the county where the proposed work or any portion is located.

(5) (i) No later than 30 days after receipt of the application, the Secretary shall issue public notice of the opportunity to submit written comments or to request a hearing. A hearing shall be held if requested.

(ii) If an electric company, as defined in § 1–101 of the Public Utilities Article, applies to the Public Service Commission for a certificate of public convenience associated with power plant construction which involves private

wetlands, the hearing and permit procedure shall be in accordance with § 3–306 of the Natural Resources Article.

(iii) At a requested hearing any person may appear and give testimony.

(6) Every permit application, map, or document shall be open for public inspection at the offices of the Secretary and the chief administrative officer in the county.

(7) A person may not reapply until after the expiration of 18 months from the date of the denial of a prior application or the final determination of an appeal from the denial.

(b) In granting, denying, or limiting any permit, the Secretary or the Secretary's designated hearing officer shall consider the effect of the proposed work with reference to the public health and welfare, marine fisheries, shellfisheries, wildlife, economic benefits, the protection of life and property from flood, hurricane, and any other natural disaster, and the public policy set forth in this title. In granting a permit the Secretary may impose conditions or limitations designed to carry out the public policy set forth in this title. The Secretary may require a bond in an amount and with surety and conditions satisfactory to the Secretary, to secure compliance with any condition or limitation in the permit. The Secretary may suspend or revoke a permit if the Secretary finds that the applicant has not complied with any condition or limitation in the permit or has exceeded the scope of the work as set forth in the application. The Secretary shall state on the record the Secretary's findings and reasons for any action taken under this subsection.

(c) The Secretary shall render a decision within 30 days after the public comment period. Failure to act in conformance with either of these requirements is automatic approval of the application for permit as submitted.

(d) The Secretary shall provide opportunity for judicial review in accordance with the provisions of § 5–204 of this article.

[\[Previous\]](#)[\[Next\]](#)